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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,507	11/26/2003	Neil O'Connor	920673-95178	8999
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BARNES & THORNBURG LLP			EXAMINER	
P.O. BOX 2786			PATEL, CHIRAG R	
CHICAGO, IL 60690-2786			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/723,507	O'CONNOR ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Chirag R. Patel	2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-43 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | Paper No(s)/Mail Date. ____                                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: ____.                          |

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 43 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. As per claim 43, "A computer software object encoding contact information" is directed to software or logic and is not embodied on a medium that meets a statutory category of invention. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Neely, III et al. – hereinafter Neely, III (US 2004/0139157).

As per claims 1, 19, 37-38, and 41-42, Neely, III discloses a method of distributing a contact across a network having a number of nodes which are equipped to service contacts, comprising the steps of:

- a) generating a contact information entity which is accessible across the network and which comprises information sufficient to enable each node to determine whether it has the resources to service the contact; ([0097], Figure 4:item 32)
- b) assessing one or more bids issued by one or more nodes to determine a bid to be used in assigning the contact ([0093],[0107], Figure 9: item 274)
- c) on the basis of said determination, assigning said contact to the node which issued said bid. ([0093], Figure 9:item 277)

As per claim 2, Neely, III discloses a method as claimed in claim 1, wherein one or more of said nodes is a contact centre having a plurality of agents for servicing contacts, each agent having identified skills which enable each contact centre to determine whether it can service a given contact. ([0051])

As per claims 3 and 20, Neely, III discloses a method as claimed in claim 1, wherein said contact information entity is a software object generated in a network accessible space. ([0088])

As per claims 4 and 21, Neely, III discloses a method as claimed in claim 3, wherein said network accessible space is a shared memory space, optionally implemented using JavaSpaces.TM. technology. ([0028])

Art Unit: 2141

As per claims 5 and 22, Neely, III discloses a method as claimed in claim 3, wherein the step of generating said contact information entity further comprises replicating said object in a plurality of said shared memory spaces. ([0049], each user (e.g., the client, services and the protocol processes) of the descriptors 30, 32 accesses one and only one copy of each descriptor 30, 32, regardless of when the client accesses the tuple-space 24)

As per claims 6 and 26, Neely, III discloses a method as claimed in claim 1, wherein said contact information entity is an entry in a database accessible across a network. ([0056])

As per claims 7 and 27, Neely, III discloses a method as claimed in claim 1, wherein said bids are issued by the nodes and transmitted directly to a resource on the network which is responsible for assessing the one or more bids. ([0067])

As per claims 8 and 28, Neely, III discloses a method as claimed in claim 1, wherein said bids are issued by the nodes to an area of the network which is accessible by a resource on the network which is responsible for assessing the one or more bids. ([0067])

As per claims 9 and 29, Neely, III discloses a method as claimed in claim 1,

wherein said contact information entity identifies at least one skillset required to service the contact. ([0051])

As per claims 10 and 30, Neely, III discloses a method as claimed in claim 1, wherein said contact information entity identifies at least one parameter according to which bids will be assessed. ([0051])

As per claims 11 and 31, Neely, III discloses a method as claimed in claim 10, wherein said at least one parameter is selected from a cost metric, a skillset proficiency metric, and a metric identifying the time within which the contact is to be serviced. ([0051])

As per claims 12 and 32, Neely, III discloses a method as claimed in claim 1, wherein said contact information entity is a software entity which includes a set of rules according to which a bid score is returned by the contact information entity upon receipt of one or more bid values. ([0104]; The client selects the media descriptor object 32 with the highest figure of merit 400 field value, or by some other criteria. Alternative evaluation criteria include, but are not limited to: user priority, in which contracts may be renegotiated to provide resources for a high priority user; load balancing schemes, in which preference is given to the service that is least loaded, and cost-based schemes, in which resource cost at the service platform is considered. It is noted that these criteria may require additional data, such as user priority, server load, etc., to be

Art Unit: 2141

conveyed in the media descriptor object 32. The client sets the state field 416 to AWARDED for this media descriptor object 32, and WRITES it back to the tuple-space 24, thereby sending confirmation to the selected modality transformation service 64)

As per claims 13 and 33, Neely, III discloses a method as claimed in claim 12, wherein said step of assessing one or more bids comprises evaluating the bid scores returned by the contact information entity. ([0107], Figure 9: item 274)

As per claim 14, Neely, III discloses a method as claimed in claim 1, wherein said contact information entity is a software entity which includes executable logic according to which a bid score is returned by the contact information entity upon receipt of one or more bid values. ([0041], [0104])

As per claim 15, Neely, III discloses a method as claimed in claim 14, wherein the executable logic is provided as an object oriented command pattern. ([0028])

As per claim 16, Neely, III discloses a method as claimed in claim 1, wherein said step of assessing one or more bids comprises maintaining a single winning bid, evaluating each new bid as it issues from a node and either discarding the new bid if it is determined to be inferior to the winning bid according to predetermined criteria or substituting it as the new winning bid if it is determined to be better than the previous winning bid. ([0093]; and processing continues when the objects have been removed by

Art Unit: 2141

TAKEs, lease cancellations, or lease expirations as interpreted as predetermined criteria])

As per claim 17, Neely, III discloses a method as claimed in claim 16, wherein said step of assessing one or more bids comprises collecting all bids which issue within a timeout period and determining which of these bids is to be used in assigning the contact. ([0101])

As per claim 18, Neely, III discloses a method as claimed in claim 1, wherein one or more of said nodes is a computer of a user connected to the network, whereby said user may make a determination as to whether he or she has the skills to service said contact and as to whether or not to issue a bid. ([0051])

As per claim 23, Neely, III discloses a method as claimed in claim 22, wherein said contact information entity is a JavaSpace entry and the step of receiving the contact information comprises reading said entries from a JavaSpace. ([0101])

As per claim 24, Neely, III discloses a method as claimed in claim 23, wherein the step of issuing a bid comprises modifying said entry and writing the modified entry in a JavaSpace. ([0102])

As per claim 25, Neely, III discloses a method as claimed in claim 23, wherein the step of issuing a bid comprises generating a new entry including a reference which relates the new entry to the original contact information entity, and writing the new entry to a JavaSpace. ([0042],[0047])

As per claim 34, Neely, III discloses a method of distributing contacts across a network having a plurality of connected contact centres, comprising the steps of:

- a) upon receipt of a contact by a contact centre, publishing information relating to the contact over the network; ([0097], Figure 4:item 32)
- b) awaiting one or more bids from remote contact centres offering to service the contact; ([0093],[0107], Figure 9: item 274)
- c) determining from said bids a destination for the contact; and d) forwarding the contact to said destination. ([0093], Figure 9:item 277)
- d) forwarding the contact to said destination. ([0013], Figure 9: item 277)

As per claim 35, Neely, III discloses a method as claimed in claim 34, wherein said destination is a remote contact centre which issued one or more of said bids. ([0056])

As per claim 36, Neely, III discloses a method as claimed in claim 34, wherein said destination is a local contact queue of the contact centre which received the contact. ([0071])

As per claims 39-40, Neely, III discloses a contact centre comprising:

- a) a network connection for distributing contacts to one or more other contact centres; ([0013],[0043])
- b) a contact manager for controlling contacts received at the contact centre from one or more communications networks; ([0056])
- c) a contact information generator for generating a contact information entity which is accessible across the network and which comprises information sufficient to enable each node to determine whether it has the resources to service a contact; ([0097], Figure 4: item 32)
- d) a bid assessment module for assessing one or more bids issued by one or more nodes to determine a bid to be used in assigning the contact; and ([0093],[0107], Figure 9: item 274)
- e) contact assignment means for, on the basis of said determination, assigning said contact to the node which issued said bid. ([0093], Figure 9:item 277)

As per claim 43, Neely, III discloses a computer software object encoding contact information and comprising:

- a) information identifying a node which controls the contact; ([0094], Figure 4: item 136)
- b) information identifying one or more characteristics of the contact; ([0094], Figure 4: item 136) and

Art Unit: 2141

c) information identifying one or more parameters for which bids are sought by said node, such that a different node may bid to have control of the contact transferred to it. ([0051])

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag R Patel whose telephone number is (571)272-7966. The examiner can normally be reached on Monday to Friday from 7:30AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairdirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

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